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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/785,276   | 02/24/2004  | Bernd Neumann        | M094 2932P          | 3847             |
| 29141  | 7590        | 04/05/2005           | EXAMINER            |                  |
| SAWYER LAW GROUP LLP<br>P O BOX 51418<br>PALO ALTO, CA 94303 |             |                      | WELLS, KENNETH B    |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 2816                |                  |

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/785,276

**Applicant(s)**

NEUMANN, BERND

**Examiner**

Kenneth B. Wells

**Art Unit**

2816

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2816

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Chang et al.

Note Figs. 2 and 3, where the recited "first and second inputs" read on IN0 and IN1, respectively; the recited "first and second channels" read on Ch0 and Ch1, respectively; and the recited "output" reads on either the OUT or OUTB terminal. The plurality of transistors of claim 2 read on BJTs 286 and 288. The plurality of transistors of claim 3 read on BJTs 290 and 292. The recited select inputs of claim 4 read on the terminals that receive signals C and /C.

2. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Minegishi.

Art Unit: 2816

Note Fig. 7, where the recited "first and second inputs" read on the respective inputs of the differential amplifiers formed by BJTs 1A, 2A and 1B, 2B; the recited "first and second channels" read on these two differential amplifiers, respectively; and the recited "output" reads on either terminal 37 or terminal 38. The plurality of transistors of claim 2 read on BJTs 3A through 6A. The plurality of transistors of claim 3 read on BJTs 3B through 6B. The recited select inputs of claim 4 read on the inputs that receive the (complementary) signals that turn switches 15A, 15B on/off.

3. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Smetana.

Note Fig. 2, where the recited "first and second inputs" read on the respective inputs of the differential amplifiers formed by BJTs Q1, Q2 and Q3, Q4; the recited "first and second channels" read on these two differential amplifiers, respectively; and the recited "output" reads on either terminal Q or terminal QN. The plurality of transistors of claim 2 read on BJTs Q49 and Q51. The plurality of transistors of claim 3 read on BJTs Q50 and Q52. The recited select inputs of claim 4 read on the terminals which receive signals S0 and S1.

Art Unit: 2816

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Each of the additional references cited on the attached PTO-892 is also seen to anticipate at least independent claim 1.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B. Wells whose telephone number is (571)272-1757. The examiner can normally be reached on Monday through Friday from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy P. Callahan, can be reached at (571)272-1740. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

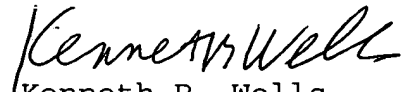
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on

Application/Control Number: 10/785,276

Page 5

Art Unit: 2816

access to the Private PAIR system, contact the Electronic  
Business Center (EBC) at 866-217-9197 (toll-free).

  
Kenneth B. Wells  
Primary Examiner  
Art Unit 2816

April 1, 2005